

# **EXHIBIT 28**

## **Redacted Excerpts from Deposition of Michael Mersch**

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CUNG LE; NATHAN QUARRY, JON )  
FITCH, on behalf of )  
themselves and all others )  
similarly situated, )  
)  
Plaintiffs, )  
)  
vs. ) Case No.  
) 2:15-cv-01045-RFB- (PAL)  
)  
ZUFFA, LLC, d/b/a Ultimate )  
Fighting Championship and )  
UFC, )  
)  
Defendant. )  
)

C O N F I D E N T I A L

VIDEOTAPED DEPOSITION OF

MICHAEL P. MERSCH

MORNING SESSION (PAGES 1 to 332)

LAS VEGAS, NEVADA

JULY 14, 2017

8:05 a.m.

REPORTED BY:

CYNTHIA K. DuRIVAGE, CSR #451  
JOB NO. 51253-A

MICHAEL P. MERSCH - CONFIDENTIAL

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	234		236
1	an agreement.		
2	MR. CRAMER: I'd like to have the court		
3	reporter mark as Mersch Exhibit 14 the next document.		
4	(Exhibit 14 was marked for		
5	identification by the reporter.)		
6	MR. CRAMER: Mersch Exhibit 14 is, it's		
7	really a one-page document, the second page is blank.		
8	Bearing the Bates number ZFL-2632951.		
9	BY MR. CRAMER:		
10	<b>Q. Let me know when you've had a chance to</b>		
11	<b>review it.</b>		
12			
13			
14	(Pause in proceedings.)		
15	BY MR. CRAMER:		
16	<b>Q. Just let me know when you're done reading</b>		
17	<b>it.</b>		
18	A. Okay.		
19			
20			
21			
22	<b>Q. And you're aware that many fighters don't</b>		
23	<b>have other forms of income other than from mixed</b>		
24	<b>martial arts fighting, correct?</b>		
25	A. I wouldn't know specifically what forms of		
	income any particular fighter has or does not have.		
		235	
			237
1	I certainly am aware that they derive a		
2	certain amount of their income from the UFC pursuant		
3	to their PAR agreements. But whether they choose to		
4	seek other income outside of the UFC, I wouldn't have		
5	any specific knowledge, but I know that a lot of them		
6	just generically do.		
7	<b>Q. But it's also fair to say that in order to</b>		
8	<b>be a fighter at the level of a UFC fighter in mixed</b>		
9	<b>martial arts, they need to spend a significant amount</b>		
10	<b>of their time in training, correct?</b>		
11	MR. WILLIAMS: Object to the form of the		
12	question.		
13	THE WITNESS: I guess the word		
14	"significant" is ambiguous, and I'm not sure exactly		
15	how to take it or what you might mean by it. I think		
16	that could be taken in a lot of different ways.		
17	I know fighters that train -- each		
18	individual fighter, I think, trains in their own		
19	manner and in a manner that I think they feel is in		
20	their best interests. Some train longer than others.		
21	Some have longer fight camps than others, some train		
22	in different disciplines than others.		
23	Some supplement their training with		
24	nutritional and other methods. Some don't. So I		
25	think it just depends on what each individual fighter		

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<p style="text-align: right;">330</p> <p>1           CERTIFICATE OF REPORTER      2           I, Cynthia K. DuRivage, a Certified      3           Shorthand Reporter of the State of Nevada, do hereby      4           certify:      5           That the foregoing proceedings were taken      6           before me at the time and place herein set forth;      7           that any witnesses in the foregoing proceedings,      8           prior to testifying, were duly sworn; that a record      9           of the proceedings was made by me using machine      10          shorthand which was thereafter transcribed under my      11          direction; that the foregoing transcript is a true      12          record of the testimony given.      13          I further certify I am neither financially      14          interested in the action nor a relative or employee      15          of any attorney or party to this action.      16          Reading and signing by the witness was      17          requested.      18          IN WITNESS WHEREOF, I have this date      19          subscribed my name.      20          Dated: August 1, 2017      21      22      23                         _____      24                         CYNTHIA K. DU RIVAGE      25                         CCR No. 451</p>	<p style="text-align: right;">332</p> <p>1           E R R A T A      2      3      4      5           I wish to make the following changes,      6           for the following reasons:      7      8          PAGE LINE      9          ____ CHANGE: _____      10         REASON: _____      11         ____ CHANGE: _____      12         REASON: _____      13         ____ CHANGE: _____      14         REASON: _____      15         ____ CHANGE: _____      16         REASON: _____      17         ____ CHANGE: _____      18         REASON: _____      19         ____ CHANGE: _____      20         REASON: _____      21      22      23                         _____      24                         WITNESS' SIGNATURE      DATE      25</p>
<p style="text-align: right;">331</p> <p>1           INSTRUCTIONS TO WITNESS      2      3           Please read your deposition over carefully      4           and make any necessary corrections. You should state      5           the reason in the appropriate space on the errata      6           sheet for any corrections that are made.      7           After doing so, please sign the errata sheet      8           and date it.      9           You are signing same subject to the changes      10          you have noted on the errata sheet, which will be      11          attached to your deposition.      12          It is imperative that you return the original      13          errata sheet to the deposing attorney within thirty      14          (30) days of receipt of the deposition transcript by      15          you. If you fail to do so, the deposition transcript      16          may be deemed to be accurate and may be used in court.      17      18      19      20      21      22      23      24      25</p>	

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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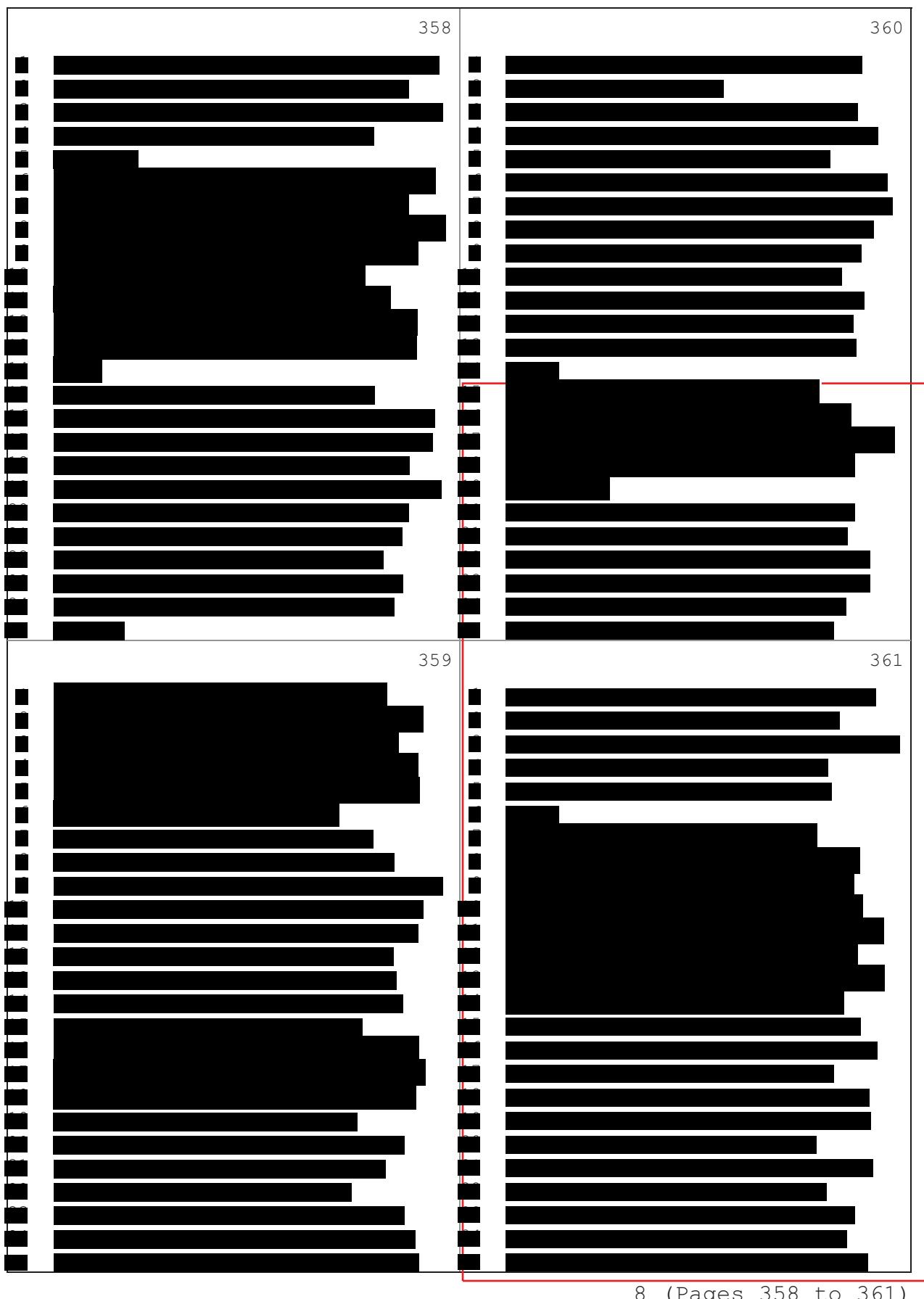
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C O N F I D E N T I A L  
VIDEOTAPED DEPOSITION OF  
MICHAEL P. MERSCH  
AFTERNOON AND EVENING SESSIONS (PAGES 333 to 496)  
LAS VEGAS, NEVADA  
JULY 14, 2017  
4:43 p.m.

Reported by:  
Jualitta Stewart, CCR No. 807, RPR  
Job No. 51253-B

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1 the County of Clark, State of Nevada, this 1st day 2 of August, 2017. 3 4	1 E R R A T A 2 3 4	
5 JUALITTA STEWART, RPR, CCR No. 807 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	5 I wish to make the following changes, 6 for the following reasons: 7 8 PAGE LINE 9     ____ CHANGE: _____ 10    REASON: _____ 11    ____ CHANGE: _____ 12    REASON: _____ 13    ____ CHANGE: _____ 14    REASON: _____ 15    ____ CHANGE: _____ 16    REASON: _____ 17    ____ CHANGE: _____ 18    REASON: _____ 19    ____ CHANGE: _____ 20    REASON: _____ 21 22 23                  WITNESS' SIGNATURE      DATE 24 25	
495		
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 INSTRUCTIONS TO WITNESS  3 Please read your deposition over carefully 4 and make any necessary corrections. You should state 5 the reason in the appropriate space on the errata 6 sheet for any corrections that are made.  7 After doing so, please sign the errata sheet 8 and date it.  9 You are signing same subject to the changes 10 you have noted on the errata sheet, which will be 11 attached to your deposition.  12 It is imperative that you return the original 13 errata sheet to the deposing attorney within thirty 14 (30) days of receipt of the deposition transcript by 15 you. If you fail to do so, the deposition transcript 16 may be deemed to be accurate and may be used in court.	

42 (Pages 494 to 496)